

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Aimee Maddonna,)	
)	
Plaintiff,)	
)	Civil Action No. 6:19-cv-03551-JD
v.)	
)	
United States Department of Health and)	Joint Motion for Temporary Stay of
Human Services et al.,)	Dispositive Motions Deadline
)	
Defendants.)	

Plaintiff and Defendants jointly move the Court for a temporary stay of the deadline for dispositive motions, currently set for March 18, 2022 (ECF No. 95, Fifth Amended Conference and Scheduling Order).¹ In support of this request, the parties further state:

1. Discovery in this matter closed on February 18, 2022. To meet this deadline, the State Defendants' and Plaintiff's counsel previously entered into an agreement to utilize without further duplication the depositions taken in the "related case," *Rogers v. US Dept. of Health & Human Svcs.*, No. 6:19-cv-01567-JD. Because the related case and this case present some similar and overlapping claims that involve the same government programs, this agreement not only provided an efficient way to meet the discovery deadline but also will ensure a unified, consistent record for the Court's benefit in resolving upcoming dispositive motions in both cases.²
2. On March 3, 2022, the Court granted a stay of the dispositive motion deadline in the related case to give the parties there an opportunity to present arguments for and against

¹ Because a full explanation of the grounds for this motion is contained within the motion itself, the parties do not file a supporting memorandum at this time. Local Civ. Rule 7.04 (D.S.C.)

² Of note, the claims against the Federal Defendants already involve the same administrative record and notification of withdrawal filed in both cases.

reopening discovery to supplement the deposition testimony involving some State Defendants (Minute Order, *Rogers v. HHS*, ECF No. 214). The Court has scheduled a telephonic status conference to discuss the discovery request for March 15, 2022.

3. The issue of whether the depositions in *Rogers* are final or are subject to being supplemented or reopened affects their use in this case for the purpose of filing dispositive motions. Thus, the parties here ask the Court for similar temporary relief from their March 18, 2022, dispositive motion deadline until the finality of discovery is resolved in the related case.
4. The parties further ask the Court to set a new dispositive date in this case that is coordinated with the related case once the discovery issue presented there is resolved.
5. Granting this request would further the goal of a unified, consistent record for the Court's benefit in considering similar or overlapping claims in the two cases.

For these reasons, the parties and their counsel respectfully request the Court grant a temporary stay of the current dispositive motion deadline, to be reset in coordination with the related case after resolving the issue of further discovery there.³

Greenville, South Carolina
March 4, 2022

CAPITOL COUNSEL, LLC

By: s/ Aaron J. Kozloski
Aaron J. Kozloski
Federal Bar No. 9510
E-Mail: aaron@capitolcounsel.us
P.O. Box 1996
Lexington, SC 29071-1996
(803) 465-1400

³ The parties believe this motion qualifies as a "simple request" under Standard Filing Preferences, No. 8. Thus, no proposed order is submitted.

AMERICANS UNITED FOR SEPARATION
OF CHURCH AND STATE

Richard B. Katskee (admitted pro hac vice)
E-Mail: katskee@au.org
Kenneth D. Upton, Jr. (admitted pro hac vice)
E-Mail: upton@au.org
1310 L Street NW, Suite 200
Washington, DC 20005
(202) 466-3234

Attorneys for Plaintiff Aimee Maddonna

NELSON MULLINS RILEY & SCARBOROUGH LLP

By: s/ Miles E. Coleman
Miles E. Coleman
Federal Bar No. 11594
E-Mail: miles.coleman@nelsonmullins.com
2 W. Washington Street, Fourth Floor
Greenville, SC 29601
(864) 373-2352

Jay T. Thompson
Federal Bar No. 09846
E-Mail: jay.thompson@nelsonmullins.com
1320 Main Street / 17th Floor
Post Office Box 11070 (29211-1070)
Columbia, SC 29201
(803) 799-2000

OFFICE OF THE ATTORNEY GENERAL

Robert D. Cook
South Carolina Solicitor General
Federal Bar No. 285
E-Mail: bcook@scag.gov
Post Office Box 11549
Columbia, SC 29211
(803) 734-3970

DAVIDSON, WREN & DEMASTERS P.A.

Kenneth P. Woodington
Federal Bar No. 4741
E-Mail: wdavidson@dml-law.com
William H. Davidson
Federal Bar No. 425
E-Mail: kwoodington@dml-law.com
1611 Devonshire Drive, 2nd Floor
Post Office Box 8568
Columbia, South Carolina 29202-8568
(803) 806-8222

Attorneys for Defendants Henry McMaster and Michael Leach

BRIAN M. BOYNTON
Acting Assistant Attorney General

Corey F. Ellis
U.S. Attorney

MICHELLE BENNETT
Assistant Branch Director

s/ Christie V. Newman
Christie V. Newman
Federal Bar No. 5473
E-Mail: Christie.Newman@usdoj.gov
Assistant United States Attorney
1441 Main St., Suite 500
Columbia, SC 29201
(803) 929-3021

Benjamin Takemoto (admitted pro hac vice)
E-Mail: Benjamin.Takemoto@usdoj.gov
Federal Programs Branch
U.S. Department of Justice, Civil Division
1100 L Street, NW
Washington, DC 20005
(202) 353-0543

Attorneys for Federal Defendants